

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND ZONING VARIANCE \* ZONING COMMISSIONER  
SE/S Sollers Pt. Rd., M2 & SW \*  
Turner Avenue \* OF BALTIMORE COUNTY  
377 Sellers Point Road \* Case No. 91-287-XA  
12th Election District \*  
7th Councilmanic District \*  
Michael Davis & William Pannonis \*  
Former Owners \*  
Charles W. Self, et ux \*  
Owners/Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception and Petition for Zoning Variance for that property located at 317 Sollers Point Road in the Turners Station subdivision of Baltimore County.

As to the Petition for Special Exception, the Petitioners request approval for a service garage to be located on parcels Nos. 1 and 2 of the subject site. As to the Petition for Variance, the following relief is requested:

(1) From Section 232.2b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit and confirm an existing commercial side yard setback of 2 ft. in lieu of the required 10 ft.;

(2) From Section 232.2b to permit construction of a fence on the property line in lieu of the required 10 ft. setback for a commercial sideyard;

(3) From Sections 232.1 and 303.2 to permit a fence 27 ft. from a roadway centerline in lieu of the required 47 ft. for a commercial front yard;

(4) From Section 102.5 to permit placement of a fence on the side and front yard 6 ft. from the front and side property lines in lieu of the

required 25 ft. radius from the intersection of the front and side lines; and,

(5) From Section 409.8A2 to permit and confirm the existing stone surface in lieu of another durable and dustless surface.

All of the above relief is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the zoning Petitions.

Appearing on behalf of the Petitions were the property owners, Charles W. Self and Loretta Self, his wife. They were represented by Newton A. Williams, Esquire. Also appearing was Lorne Hastings, a Registered Property Line Surveyor. Appearing in opposition were two residents of the surrounding locale, Gregory James and Joseph Butler. Also appearing was Dunbar Brooks, Board Chairman of the Turners Station Development Corporation.

Testimony and evidence presented was that the property is now owned by Charles and Loretta Self, the Petitioners herein. Apparently, the parcel was originally co-owned by Mrs. Self's brother, Michael Davis. During the period of ownership by Mr. Davis, the property fell into a state of disrepair and was an eyesore to the surrounding community. However, since their acquisition of the property, Mr. and Mrs. Self have caused the site to be cleaned up and are now moving forward with the subject Petitions in order to develop and utilize the site as a service garage.

Further testimony was that the property is actually divided into two parcels which are transected by Turner Avenue. The larger parcel, known as parcel No.1, is approximately two-tenths of an acre in size. It is improved by an existing one-story block building to be used as a service garage. Parcel No. 2, located across Turner Avenue, is vacant. However, it is improved with an existing fence and is paved. Parcel 2 is approxi-

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Date 2/2/93  
By [Signature]

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By [Signature]

mately one-tenth of an acre in size and the combined area of both parcels is .3081 acres. The property is zoned B...

Mr. Self testified that he has made a great many improvements to the site since his sole acquisition of same. In addition to cleaning up the junk and debris on the property, Mr. Self has removed the pump island which existed on parcel No. 1. To the best of his knowledge, there are no underground fuel tanks on the site. He proposes to operate an automobile repair shop on the property. No body work or painting will be performed. Rather, Mr. Self testified that he is a mechanic and emissions doing engine, transmission and similar service garage work. Further, he contemplates that, in addition to his wife, two other employees will work on site and the proposed hours of operation are six days a week, Monday through Saturday from 7:00 A.M. to 9:00 P.M. Mr. Self also noted that he will tow his client's vehicles to the site and hopes to become a licensed inspection station by the Maryland Department of Transportation.

Also testifying was Lorne Hastings, the surveyor who prepared the site plan marked as Petitioners' Exhibit No. 1. Mr. Hastings fully described the site, the existing improvements, and the proposed construction thereon. In his view, development of the site and the manner proposed will not be detrimental to the health, safety and general welfare of the community. He also addressed all of the variances requested and opined that they are justified in accordance with the standards set forth in Section 307 of the B.C.Z.R.

Mr. Gregory Jones, who lives down the street on Turner Avenue, also testified. He appeared in opposition to the Petition and fears the commercial activity on this site. Mr. Jones believes that operation of a service garage on the site will detrimentally affect his property's value and be a

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source of noise, pollution and other adverse effects on the community. Mr. Jones' comments were echoed by Joseph Butler, another community resident.

Also appearing was Dunbar Brooks from the Turners Station Development Corporation. A copy of the latter setting forth that corporation's position was accepted as Protestants' Exhibit No. 2. Mr. Brooks acknowledged that the Turners Station Development Corporation is generally supportive of revitalization efforts in the community. However, the corporation supports the position taken by the neighbors immediately adjacent to this property and, therefore, supports their opposition to the project.

A special exception is a use which the County Council has determined to be proper in a given zone, absent a finding that the use would have an adverse impact above and beyond that inherently associated with such a use, irrespective of its location within the zone (see Section 502 of the B.C.Z.R. and Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981)). As noted above, the property is zoned B.L. and a service garage is permitted in any B.L. zone by special exception. It is apparent that the B.C.Z.R. permits the use proposed by special exception. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioners.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. Taken as a whole, the testimony and evidence presented was sufficient to show that the proposed use can be conducted without real detriment to the neighborhood and will not adversely affect the public interest. Clearly the standards in Schultz, supra, have been satisfied. Further, the proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create

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Date 2/2/93  
By [Signature]

congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R. For these reasons, I am convinced that the special exception should be granted. However, I shall impose certain restrictions to minimize the impact of this use on the surrounding locale.

As to the variances requested, they shall, likewise, be granted. A variance from Section 232.2b to permit a reduced side yard setback is necessary to legitimize an existing condition. Specifically, the existing block building infringes into the setback and the side yard of parcel No. 1 adjacent to Turner Avenue. Clearly, the limited area of the property and other site constraints constitute conditions peculiar to this property which justify the variance.

Several of the other variances, from Sections 232.2b, 232.1, 303.2 and 102.5 all relate to a proposed fence on parcel No. 2. I am, likewise, persuaded that these variances should be granted. Testimony from Mr. Self is that parcel No. 2 will be used to store his customers' vehicles. Installation of the fences as proposed will lessen the visual impact of this storage lot on the surrounding community and is, therefore, justified. Further, I am convinced that construction of the fence, as proposed, will not adversely affect the sight distance for those vehicles exiting Turner Avenue onto Sollers Point Road.

The final variance requested is from Section 409.8A2 of the B.C.Z.R. to allow an existing stone surface in lieu of a durable and dustless surface on the site. This variance is justified to satisfy environmental concerns. The existing surface permits better storm water runoff than a durable and impervious surface. Further, Mr. Hastings noted that the exist-

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By [Signature]

ing surface is sufficient to support the weight of vehicles which will utilize this site.

As with any variance, the above noted request may be granted only where strict application of a zoning regulation would cause practical difficulty to the Petitioner and his property.

Based upon the testimony and evidence presented at the hearing, I am convinced that the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should be granted. The granting of the variance would cause no adverse effect upon the health, safety or general welfare of the public. Further, strict compliance with the B.C.Z.R. would result in practical difficulty upon the Petitioners.

As noted above, however, certain restrictions will be imposed on the operation of the business on site. These restrictions are designed to lessen the impact on the surrounding locale. The restrictions shall be fully set forth in the following order.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and

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Date 2/2/93  
By [Signature]

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Date 2/2/93  
By [Signature]

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 2nd day of February 1993 that, pursuant to a Petition for Special Exception, approval for a service garage to be located on parcels Nos. 1 and 2 of the subject site, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 232.2b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit and confirm an existing commercial side yard setback of 2 ft. in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 232.2b to permit construction of a fence on the property line in lieu of the required 10 ft. setback for a commercial sideyard, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 232.1 and 303.2 to permit a fence 27 ft. from a roadway centerline in lieu of the required 47 ft. for a commercial front yard, be and is hereby GRANTED; and,

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IT IS FURTHER ORDERED that a variance from Section 102.5 to permit placement of a fence on the side and front yard 6 ft. from the front and side property lines in lieu of the required 25 ft. radius from the intersection of the front and side lines, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8A2 to permit and confirm the existing stone surface in lieu of another durable and dustless surface, all in accordance with Petitioners' Exhibit No.1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The hours of operation of the service garage are restricted from 7:00 A.M. to 9:00 P.M. Monday thru Saturday.
3. There will be no fuel sales of any type from the site.
4. There will be no above ground or underground fuel storage tanks located on the site.
5. The Petitioners shall cause all employee and customer parking to be on parcels No. 1 and 2 and there shall be no storage of vehicles on Turner Avenue.

[Signature]  
JAMES E. SCHMIDT  
Zoning Administrator for  
Baltimore County

LES:mmn

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ORDER RECEIVED FOR FILING

Date 2/2/93  
By [Signature]



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

February 2, 1993

Newton A. Williams, Esquire  
Nolan, Williams and Plumbhoff  
Suite 700, Court Towers  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204-5340

RE: Petitions for Special Exception and Zoning Variance  
Case No. 91-287-XA  
317 Sollers Point Road  
Legal Owners/Petitioners: Mr. and Mrs. Charles W. Self  
Former Owners: Michael Davis, et al

Dear Mr. Williams:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.  
cc: Mr. and Mrs. Charles W. Self  
Mr. Gregory James  
Mr. Dunbar Brooks, Turner Station Development Corp.

CRITICAL AREA

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-287-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for

See attached Exhibit A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

LEGAL OWNERS

Contract Purchaser:

N/A Charles W. Self

(Type or Print Name)

Signature

4322 Kenwood Ave.

Address

Baltimore, MD 21206

City and State

Attorney for Petitioner:

LORETTA SELF

(Type or Print Name)

Signature

4322 KENWOOD AVE

Address

BALTO MD 21206

City and State

Attorney's Telephone No.:

4322 Kenwood Avenue

Address

Baltimore, MD 21206

City and State

Legal Owner(s):

Michael Davis

(Type or Print Name)

Signature

4322 Kenwood Ave.

Address

Baltimore, MD 21206

City and State

William Pannone

(Type or Print Name)

Signature

4322 Kenwood Ave.

Address

Baltimore, MD 21206

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Loretta Self

Name

4322 Kenwood Avenue

Address

Baltimore, MD 21206

City and State

668-6172

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27 day of March, 1993, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10 day of March, 1993, at 10 o'clock

*J. Robert Hines*  
Zoning Commissioner of Baltimore County

REC'D - No. 1  
1/2 DAY  
(over)  
VIOLATION  
89-1453  
REVIEWED BY: CAM  
DATE: 3 Dec 90

230

EXHIBIT A

SPECIAL EXCEPTION REQUEST

317 SOLLERS POINT ROAD

A service garage in a BL zone (pursuant to BCZR 230.13), to be located on parcels one and two as shown on the attached plat to accompany special exception.

4806B DLB/caw

CRITICAL AREA

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-287-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section See Attached Exhibit A

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

TO BE DISCUSSED AT THE HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

LEGAL OWNERS

Contract Purchaser:

N/A Charles W. Self

(Type or Print Name)

Signature

4322 Kenwood Ave.

Address

Baltimore, MD 21206

City and State

Attorney for Petitioner:

LORETTA SELF

(Type or Print Name)

Signature

4322 KENWOOD AVE

Address

BALTO MD 21206

City and State

Attorney's Telephone No.:

4322 Kenwood Avenue

Address

Baltimore, MD 21206

City and State

668-6172

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27 day of March, 1993, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10 day of March, 1993, at 10 o'clock

*J. Robert Hines*  
Zoning Commissioner of Baltimore County

(over)

230

EXHIBIT A

VARIANCES REQUESTS

317 SOLLERS POINT ROAD

91-287-XA

- Section 232.2b to permit and confirm an existing commercial side yard setback of two feet in lieu of required ten foot setback (see symbol  $\Delta$  on plat).
- Section 232.2b to permit construction of a fence on property line in lieu of required ten foot setback from commercial side yard and 232.1 and 303.2 to permit a fence twenty-seven feet from the centerline in lieu of the required forty-seven feet for a commercial front yard (see the two symbols  $\Delta$  on plat).
- Section 102.5 to permit placement of a fence on side and front yard six foot from front and side property lines in lieu of required twenty-five foot radius from intersection of front and side line (see symbol  $\Delta$  on plat).
- Section 409.8A2 to permit and confirm the existing stone surface in lieu of another durable and dustless surface (see symbol  $\Delta$  on plat).

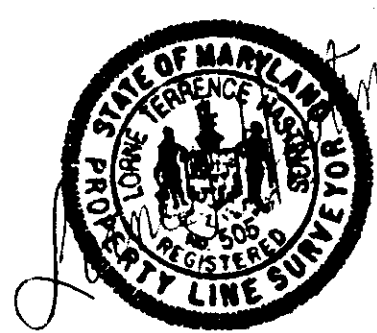
ZONING DESCRIPTION

Beginning for the first at a point on the southeastmost side of Sollers Point Road as widened to forty feet and at a distance of 580 feet more or less southwest of the center line of Dunblat Avenue. Thence the following course and distances S 314° 30' 38" E 104' more or less, S 814° 8' W 90', N 284° 52' W 77.3' more or less, by curve to right 8-10' distance of 14.2', N 524° 41' 48" E 86.6' more or less to point of beginning. Being parts of lots 19, 20, 21 and 22, in the subdivision of Turners Park as recorded in Baltimore County Plat Book # 5, Folio # 82, containing 0.206 acres.

Beginning for the second at a point on the southeastmost side of Sollers Point Road at the southwest side of Turners Avenue as widened to 40' thence by a curve to the right 8-10' for a distance of 17.0', S 284° 52' W 103' more or less, S 814° 8' W 40', N 284° 52' W 108' more or less, thence by curve to the right 8-280' for a distance of 7.9' more or less, N 524° 41' 48" E 21.1' more or less to the point of beginning. Being part of lots # 7 and 8, in the subdivision of Turners Park as recorded in Baltimore County Plat Book # 5, Folio # 82, containing 0.192 acres.

Both parcels being recorded or intended to be recorded in Deed Liber 8216, Folio 652. Also being known as 317 Sollers Point Road and located in the 12th Election District.

THE ABOVE PROPERTY DESCRIPTIONS ARE INTENDED FOR USE AS A ZONING DESCRIPTIONS ONLY, AND IS NOT BASED UPON A COMPLETE AND ACCURATE BOUNDARY SURVEY.



91-287-XA

CRITICAL AREA

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CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th Date of Posting: 2/24/93  
Posted for: Special Exception  
Petitioner: Michael Davis & Wm. Pannone  
Location of property: 317 Sollers Point Rd., NE & SW Turners Ave.  
Location of Signs: 317 Sollers Point Rd., NE & SW Turners Ave.  
Remarks: MRE/PLB  
Posted by: MRE/PLB Date of return: 3/1/93  
Number of Signs: 2

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th Date of Posting: 2/22/93  
Posted for: Special Exception & Variance  
Petitioner: Loretta Self, Michael Davis & Wm. Pannone  
Location of property: 317 Sollers Point Rd., NE & SW Turners Ave.  
Location of Signs: 317 Sollers Point Rd., NE & SW Turners Ave.  
Remarks: MRE/PLB  
Posted by: MRE/PLB Date of return: 2/22/93  
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/17, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/17, 1992

THE JEFFERSONIAN,

*S. Zeke Orlow*  
Publisher

# 101.48



**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-287-XA  
SE/S Sollers Point Road, NE & SW Turner Avenue  
317 Sollers Point Road  
12th Election District  
7th Councilmanic District  
Petitioners: Michael Davis and William Panonzie  
Hearing Date: Wednesday, March 13, 1991 at 2:00 p.m.

Special Exception for a service garage to be located on Parcels #1 and #2, a variance to permit construction of a fence on property line in lieu of a fence on property line in lieu of a commercial side yard; to permit a commercial front yard; to permit a fence 27 feet from the centerline in lieu of the required 47 feet for a commercial front yard; to permit placement of a fence on side and front yard 6 feet from front and side property lines in lieu of the required 25 foot radius from intersection of front and side line; and to permit and confirm the existing stone surface in lieu of another durable and dustless surface.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
2094 Feb. 14

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 2-21, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2-14, 1991.

THE JEFFERSONIAN,

S. Zake Orlan  
Publisher

\$51.59



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R 001-6150  
Number

CRITICAL AREA  
pd

Date

111 West Chesapeake Avenue  
Towson, MD 21204  
887-3353  
1390.09

Please Make Checks Payable To: Baltimore County 0111-950402-02-92

Cashier Validation



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R 001-6150  
Number

receipt

Date

111 West Chesapeake Avenue  
Towson, MD 21204  
887-3353  
1390.09

Please Make Checks Payable To: Baltimore County 0111-950402-02-92

Cashier Validation

**CERTIFICATE OF PUBLICATION**

OFFICE OF  
**Dundalk Eagle**

4 N. Center Place  
P.O. Box 8936  
Dundalk, Md. 21222

February 14, 1991

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Case #91-287-XA P.O. #0110339 - Req. #MS0216 - 88 lines @ \$44.00

was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 15th day of February 1991; that is to say, the same was inserted in the issues of February 14, 1991

Kimbel Publication, Inc.

per Publisher.

By Kimbel Belke

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
887-3353

**NOTICE OF HEARING**  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-287-XA  
SE/S Sollers Point Road, NE & SW Turner Avenue  
317 Sollers Point Road  
12th Election District  
7th Councilmanic District  
Petitioners: Michael Davis and William Panonzie  
Hearing Date: Wednesday, March 13, 1991 at 2:00 p.m.

Special Exception for a service garage to be located on Parcels #1 and #2, a variance to permit construction of a fence on property line in lieu of a fence on property line in lieu of a commercial side yard; to permit a commercial front yard; to permit a fence 27 feet from the centerline in lieu of the required 47 feet for a commercial front yard; to permit placement of a fence on side and front yard 6 feet from front and side property lines in lieu of the required 25 foot radius from intersection of front and side line; and to permit and confirm the existing stone surface in lieu of another durable and dustless surface.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 3/5/91

Michael Davis and William Panonzie  
317 Sollers Point Road  
Baltimore, Maryland 21222

RE:  
Case Number: 91-287-XA  
SE/S Sollers Point Road, NE & SW Turner Avenue  
317 Sollers Point Road  
12th Election District - 7th Councilmanic  
Petitioners: Michael Davis and William Panonzie  
Hearing: WEDNESDAY, MARCH 13, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 145.59 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

January 28, 1991

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-287-XA  
SE/S Sollers Point Road, NE & SW Turner Avenue  
317 Sollers Point Road  
12th Election District - 7th Councilmanic  
Petitioners: Michael Davis and William Panonzie  
Hearing: WEDNESDAY, MARCH 13, 1991 at 2:00 p.m.

Special Exception for a service garage to be located on Parcels #1 and #2.

Variance to permit and confirm an existing commercial side yard setback of 2 feet in lieu of required 10 foot setback; to permit construction of a fence on property line in lieu of required 10 foot setback from commercial side yard; to permit a fence 27 feet from the centerline in lieu of the required 47 feet for a commercial front yard; to permit placement of a fence on side and front yard 6 feet from front and side property lines in lieu of required 25 foot radius from intersection of front and side line; and to permit and confirm the existing stone surface in lieu of another durable and dustless surface.

J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

cc: Michael Davis and William Panonzie  
Loretta Self

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

DEC. 09 1992

(410) 887-3353

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Continued from 3/13/91  
Case Number: 91-287-XA  
SE/S Sollers Point Road, NE & SW Turner Avenue  
317 Sollers Point Road  
12th Election District - 7th Councilmanic  
Owners/Petitioners: Charles W. Self and Loretta Self  
Former Owners: Michael Davis and William Panonzie  
Hearing: WEDNESDAY, JANUARY 13, 1993 at 10:30 a.m. in Rm. 118, Old Courthouse.

Special Exception for a service garage to be located on Parcels #1 and #2.  
Variance to permit and confirm an existing commercial side yard setback of 2 feet in lieu of required 10 foot setback; to permit construction of a fence on property line in lieu of the required 10 foot setback from commercial side yard; to permit a fence 27 feet from the centerline in lieu of the required 47 feet for a commercial front yard; to permit placement of a fence on side and front yard 6 feet from front and side property lines in lieu of required 25 foot radius from intersection of front and side line; and to permit and confirm the existing stone surface in lieu of another durable and dustless surface.

Arnold Jablon

Arnold Jablon  
Director

cc: Charles and Loretta Self  
Newton A. Williams, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

February 21, 1991

Mr. Michael Davis  
317 Sollers Point Road  
Baltimore, MD 21222

RE: Item No. 230, Case No. 91-287-XA  
Petitioner: Michael Davis, et al  
Petition for Special Exception and Zoning Variance

Dear Mr. Davis:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer  
James E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Loretta Self  
4322 Kenwood Avenue  
Baltimore, MD 21206



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R 001-6150  
Number

receipt

Date

9/1/87  
for 3/13/91 date

Please Make Checks Payable To: Baltimore County 0111-950402-02-92

Cashier Validation



111 West Chesapeake Avenue  
Towson, MD 21204

887-3554

Your petition has been received and accepted for filing this  
27th day of December, 1990.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. [Signature]*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Michael Davis, et al  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: February 14, 1991  
Zoning Commissioner  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Michael Davis, Item No. 230

In reference to the petitioner's request, staff offers the following comments:

Site Description:

The site encompasses the southeast and southwest corners of Turner Avenue. The southeast portion of the property is paved and is improved with a cement block garage. At the time staff visited the property, litter was apparent on the site and the dumpster was not properly screened (attached, please see photographs taken at time of inspection). In addition, no landscaping is present on the property. Single-family homes are located north, west, and southwest of the property; and a school and recreational area are located to the east and southeast. The adjacent lot to the west is vacant except for a storage trailer.

Zoning Issues:

The subject property has a long history of violations. Currently, the property has been cited for operating a junkyard.

Recommendation:

Based upon a review of the information provided and the analysis conducted, staff recommends the applicant's request be denied for reasons as follows:

- A service garage is not an appropriate use at this location because the site is located within the Chesapeake Bay Critical Area and a residential community. Several members of the community have complained of a long history of problems with this garage. Nothing is proposed by the petitioner to suggest that the property will be improved in anyway.

received  
2/20/91

Michael David  
Page 2  
February 14, 1991

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM230/ZAC1



101 Bosley Avenue Suite 405  
Towson, MD 21204

887-3554  
Fax 887-5781

January 11, 1991

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 230  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

2.A.C. December 26, 1990  
Louis A. Davis, Power of Attorney for  
Michael Davis & William Pannonie  
SE/S Sollers Point Road, NE & SW Turner  
Avenue (#317 Sollers Point Road)  
B.L.  
Special Exception for a service garage  
to be located on Parcels #1 and #2.  
Variance to permit and confirm an  
existing commercial side yard setback of  
two feet in lieu of required 10  
foot setback; to permit construction of a  
fence on property line in lieu of  
required 10 foot setback from commercial  
side yard; to permit a fence 27 feet from  
the centerline in lieu of the required 47  
feet for a commercial front yard; to  
permit placement of a fence on side and  
front yard 6 foot from front and side  
property lines in lieu of required 25  
foot radius from intersection front and  
side line; and to permit and confirm the  
existing stone surface in lieu of another  
durable an dustless surface.  
Area:  
District:  
Dear Mr. Haines:

Area:

District:

Dear Mr. Haines:

The existing access on Sollers Point Road needs to be shortened  
westward to a 24 ft. wide access.

Very truly yours,

*Rahlee J. Fahli*  
Rahlee J. Fahli  
Traffic Engineer II

received  
1/14/91

RJP/lvd

BALTIMORE COUNTY, MARYLAND  
Inter-office Correspondence

TO: J. Robert Haines  
FROM: Robert C. Merrey, Jr.  
DATE: December 19, 1990  
SUBJECT: Comments on Zoning Advisory Committee Meeting - Item 230

Property Owner: Louis A. Davis, Power of Attorney for Michael Davis & William Pannonie  
Location: SE/S Sollers Point Road, NE & SW Turner Avenue (#317 Sollers Point Road)  
Existing Zoning: B.L.  
Area: .206 acre  
.102 acre  
District: 12th Election District  
7th Councilmanic District

This Office recommends approval of the use of crushed stone in lieu of the required durable and dustless surface only for those areas where it is currently in use. All crushed stone surfaces are to be treated in accordance with Environment Article 26.11.06 D to prevent dust being generated and becoming airborne. Treatment and maintenance of this surface is an owner responsibility and will be on a continuing basis as necessary.

Lk

cc: Norman Morris  
Field Services

RECEIVED  
DEC 26 1990  
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE  
DECEMBER 19, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING  
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES  
SUBJECT: ZONING ITEM #: 230  
PROPERTY OWNER: Louis A. Davis, Power of Attorney for Michael Davis & William Pannonie  
LOCATION: SE/S Sollers Point Road, NE & SW Turner Avenue (#317 Sollers Point Road)  
ELECTION DISTRICT: 12th  
COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- ( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

- ( ) PARKING LOCATION ( ) RAMPS (degree slope)
- ( ) NUMBER PARKING SPACES ( ) CURB CUTS
- ( ) BUILDING ACCESS ( ) SIGNAGE

- ( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

- ( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

- ( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).  
Hearing request #2. This wall requires a fire rating of 3 hrs without

- (X) OTHER - any openings. A masonry wall could very well be acceptable to Table 1903.5.1.1. Previous codes also had similar requirements. It is assumed additions & alterations had building permits at the time of construction. PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #192-90 EFFECTIVE 1/1/91

received  
12/21/90

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5500  
(301) 887-4500  
Paul H. Reincke  
Chief

DECEMBER 13, 1990

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Dennis F. Rasmussen  
County Executive

RE: Property Owner: LOUIS A. DAVIS  
Location: #317 SOLLERS POINT ROAD  
Item No.: 230 Zoning Agenda: DECEMBER 26, 1990  
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl [Signature]* Noted and Approved *[Signature]*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/REK

received  
12/17/90

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 18, 1990  
FROM: Robert M. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for December 26, 1990

The Development Engineering Division has reviewed the subject zoning item and to have no comments for Items 219, 220, 221, 222, 223, 224, and 230.

For Items 157, 158, 201 and 202, the previous County Review Group comments are applicable.

*Robert M. Bowling*  
ROBERT M. BOWLING, P.E., Chief  
Development Engineering Division

RWB:s

received  
12/17/90



Charles Wayne Self	4322 Kenwood Ave 21206
Loretta Self	4322 Kenwood Ave 21206
Lorne Hastings	41 Eastship Rd 21222
Newton Williams	700 Courtview 21204









A. Looking SE at NE/C of site -  
Note zone begins

M + O  
Site  
91-287-XA



B. Front view of site from Sellers Point Rd.  
Site on SE/C of Sellers Point Rd.  
and Turner Ave.

Rd No 2



C. Looking SE at site from Sellers  
Point at Turner Ave.



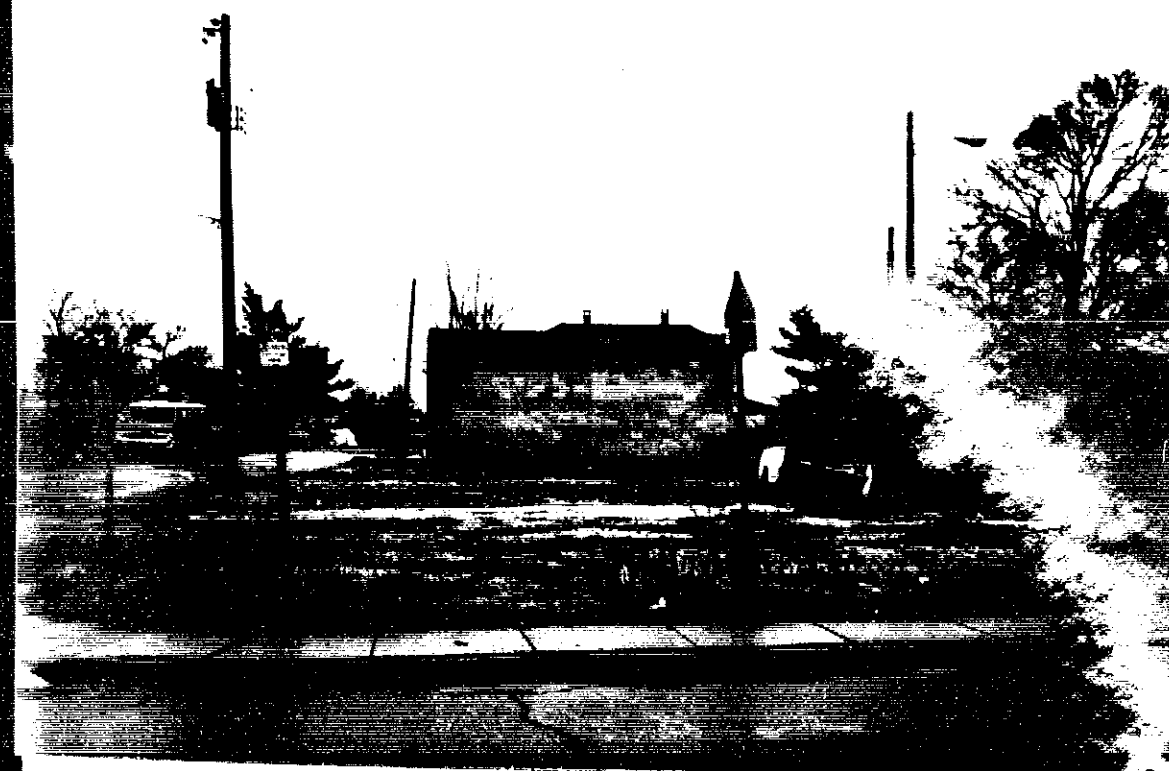
D. Looking E on Sellers Point from Pine  
Ave. - note partial fence on left.



E. Brick Rows houses opposite site  
on N/S of Sellers Point Rd.



F. Looking E on Sellers Point  
from far side of  
Turner Ave.



G. Looking S at Parcel 2 -  
note part fence on right



H. 306 Sellers Point Rd. - NW/C  
of Sellers Point + Pine Ave.



I. Home at SE end of Turner Ave -  
SE 1/4 Trch fields in near.



J. Looking N on Turner Ave. across  
Sellers Point, Bldg. on E/S



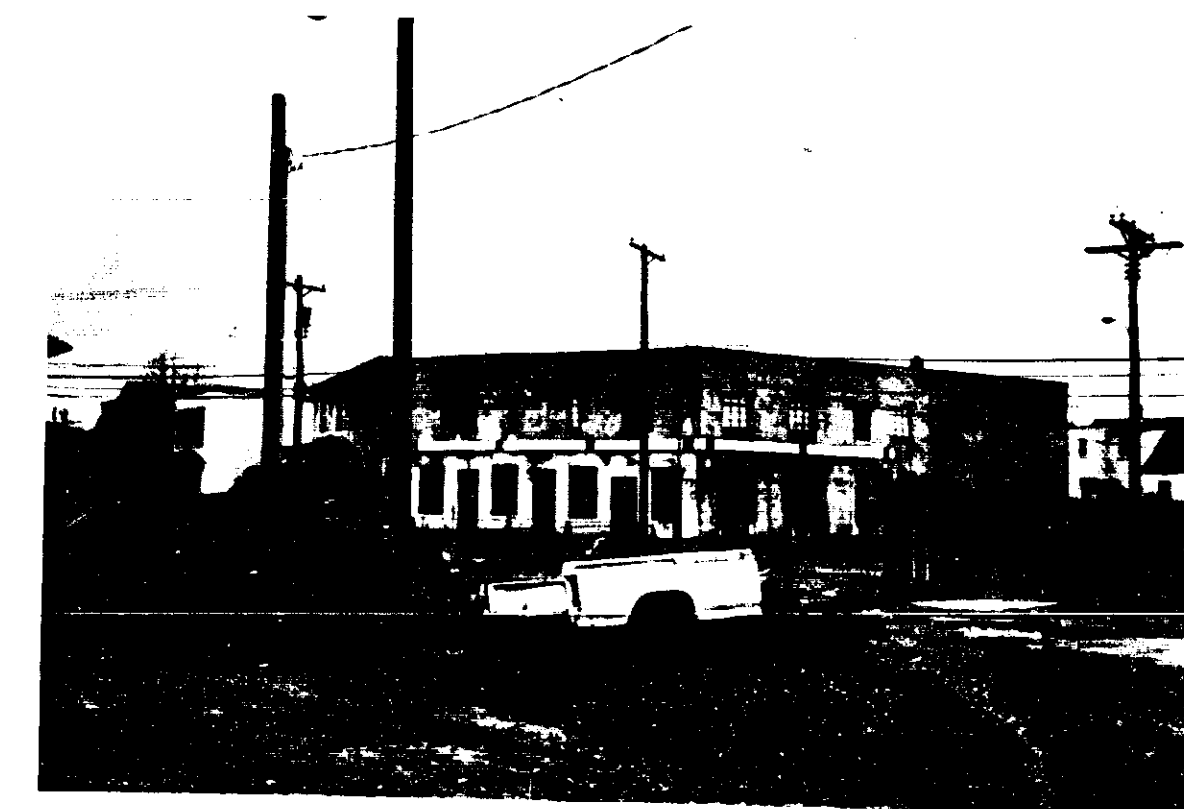
K. Looking SE from corner on Pine Ave.  
across Sellers Pt., - note part  
fence.



L. 308 Sellers Point at NE/C of  
Sellers Point + Pine Ave.

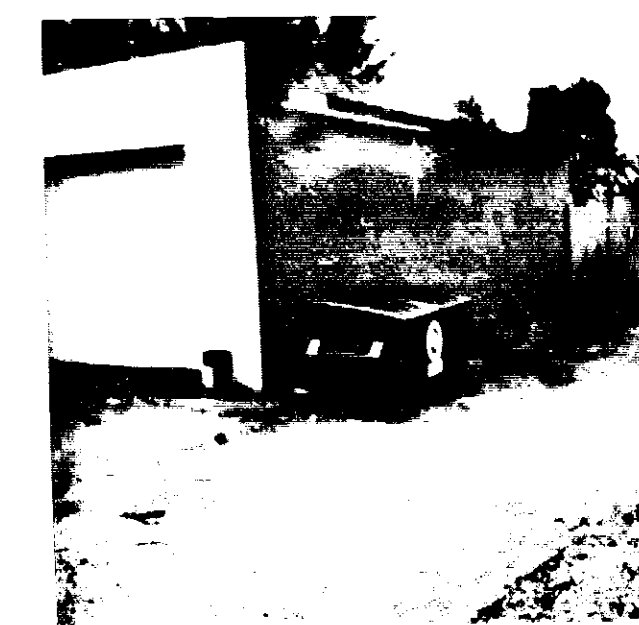


M. W/S of subject Bldg., looking at  
Turner Ave.



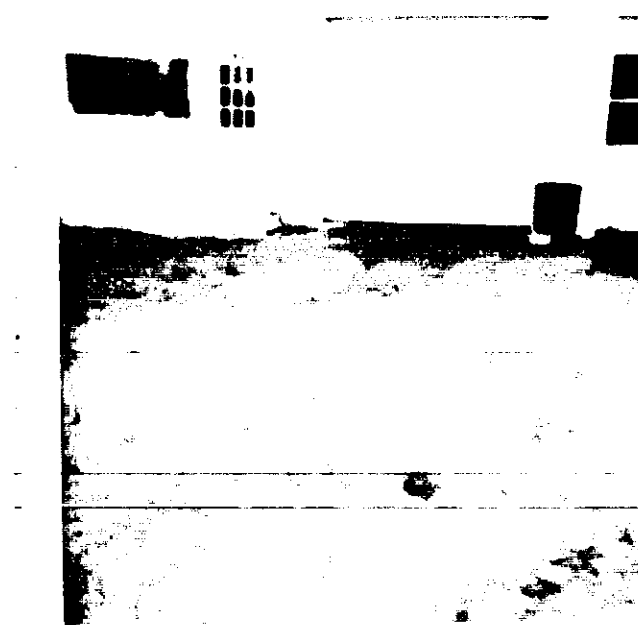
N. Looking NW across lot, Parcel 2 toward  
corner of Pine Ave + Sellers Point  
Rd.; 306 Sellers Point in near.

CASE #: 91-287-XA



PETITIONER'S EXHIBIT #

CASE #: 91-287-XA



PETITIONER'S EXHIBIT #



We OPPOSE To The Property ON 317  
Sollers Point Rd. Being Operated as  
A Service GARAGE. It Will BRING DOWN  
The Property Value And Will Be An "Eyesore"  
To The Community

*Noted  
No 1*

Print Your Name And Address

*Unknown Jones* 110 Turners Ave  
*Charles A. Hines* 308 Sollers Pt Rd  
*William J. Dorsey* 312 Sollers Pt Rd  
*Lisa Hines* 312 Sollers Pt Rd  
*George T. Hancock* 302 Sollers Pt Rd  
*John J. Jones* 300 Sp Rd  
*Samuel Hines* Hines 115  
*Leah M. Hines* 305 Hines St 2179  
*Margaret Fisher* 319 Sollers Pt Rd  
*Arnold Burman* 319 Sollers Pt Rd  
*Lawrence Jackson* 621 New Pittsburg  
*Robert Phillips* 330 Sollers Pt Rd  
*Dennis R. Taylor* 124 William Wake Ave

We OPPOSE To The Property ON 317  
Sollers Point Rd. Being Operated as  
A Service GARAGE. It Will BRING DOWN  
The Property Value And Will Be An "Eyesore"  
To The Community

Print Your Name And Address

*Carmella Nelson* 406 Maple Lane 21222  
*Lena Johnson* 603 N. Wendale Rd. 21222  
*Robert Lipscomb* 423 S. Wendale Rd. 21222  
*London Evans* 15 S. Lane 21233  
*Lena K. Richardson* 208 Fleming Drive 21222



*Not No 2*

TURNERS STATION DEVELOPMENT CORPORATION  
January 13, 1992

Mr. Larry Schmidt  
Baltimore County  
Zoning Commissioner  
400 Washington Avenue  
Towson, Maryland 21204

Dear Mr. Schmidt:

I am writing on behalf of residents of the Turner Station community and specifically, those residents living in the 300 block of Sollers Point Road in regard to the petition for a variance and special exception for the property located at 317 Sollers Point Road. The case number is 91-287-XA.

It is the opinion of our community that Mr. Wayne Self, the proprietor, be granted conditional approval on the zoning changes provided that certain health and safety issues are addressed. We have contacted the Baltimore County Office of Planning and Zoning, the Baltimore County Department of Environmental Protection (DEPRM) and Resource Management and the Maryland Department of the Environment (MDE) concerning conditions at this site:

1. The community wants to be assured that no underground storage tank still remains at the site. Although, DEPRM has inspected the site and can find no evidence of an underground tank, neither DEPRM nor MDE can produce an inspection report on whether the tank was removed or whether there has been leakage.
2. The settling tanks at the site should be removed.
3. The site has a large amount of oil contaminated dirt which should be removed.

We would also like to see the owner construct an aesthetically pleasing fence around the property to shield the community from the run down appearance of the site.

The Turner Station community feels that if the abovementioned concerns are addressed, then we would not oppose the proposed zoning changes.

Sincerely,  
*Dunbar Brooks*  
Dunbar Brooks, Board Chairman

CIRCUIT COURT FOR BALTIMORE COUNTY  
CIVIL CATEGORY OTHER CIVIL

ATTORNEYS

CHARLES WAYNE SELF  
AND  
LORETTA SELF, (HIS WIFE)

Jeffrey C. Hines  
Aaron D. Weinrauch  
Rob H. Dorsey  
2206 N. Charles St. (18) 366-15

MICHAEL DAVIS

*Not No 3*

1) Jan. 9, 1992 Complaint for sale in lieu of partition, fd. SUMMONS issued, PPS. COSTS

Mar 13, 1992 Request to re-issue Summons. Summons re-issued for Private Process Service.

(2) April 10, 1992 Served Deft. 3/20/92, PPS. ret. fd.

(3) Apr 27, 1992 Appearance of Francis P. Dziennik as counsel for the deft. and same day Answer, fd.

(4) Apr 29, 1992 Notice to enter the appearance of Jeffrey C. Hines, Aaron D. Weinrauch, Rob H. Dorsey as counsel for the plaintiffs, fd.

(5) Apr 29, 1992 Motion of William J. Panoni to Intervene as party in interest, with affidavit, exhibits, fd.

(6) Apr 29, 1992 Plaintiff's motion for summary judgment with exhibits, affidavits, fd.

(7) May 11, 1992 - Plaintiff's Request for Expedited Hearing for grounds stated Motion for Summary Judgment etc. fd. rec'd 5/4/92.

(8) May 12, 1992 - Deft's. Answer to Motion for Intervention of Party in Interest, Exhibits, Affidavit and Request for Hearing fd.

(9) May 12, 1992 - Deft's. Response to Motion for Summary Judgment, Exhibit, Affidavit and Request for Hearing fd.

(10) May 18, 1992 - Deft's Answer to Request for Expedited Hearing, fd.

(11) MAY 18 1992 Notice of Service of Discovery fd.

Docket 11 Page 296 Case 92CV00185

